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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,467

07/15/2004

Lean Sen Lor

3821.08-US-01

8260

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7590

09/01/2006

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,467

Applicant(s)

LOR, LEAN SEN

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006 and 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendments filed 07/12/2006 have been fully considered but they are not persuasive.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "leaf" (2 instances) in Claim 26 and the "leaf-hinge" and "leaves" in Claim 27 and must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Is it even possible to show these "leaf-hinge" and "leaves" without adding new matter?

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has added new matter to claims 26-27. Nowhere in the specification or the drawings is there any support for a "hinge.....with a leaf of said hinge affixed to the lower backrest portion and another leaf of said hinge affixed to the upper backrest portion" as claimed in Claim 26 or "a leaf-hinge having two leaves

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connected to the pivoting rod which the pivoting rod is disposed between the two leaves" as defined in Claim 27.

Clarification and/or correction is required without adding new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It appears Claim 27 is redundant of Claim 26. Claim 26 defines "a leaf of said hinge affixed to the lower backrest portion and another leaf of said hinge affixed to the upper backrest portion." The that limitation is repeated in Claim 27 but using slightly different wording when Applicant defines "a leaf-hinge having two leaves connected to the pivoting rod which the pivoting rod is disposed between the two leaves." Also, the phrase "the pivoting rod which the pivoting rod is" is unclear and confusing language. It seems Applicant is trying to further limit the limitation of Claim 26 but the claim is incorrectly worded. It seems the claim should read - - wherein the pivoting rod is disposed between the two leaves - -.

In claim 29, it is not clear what Applicant is trying to define. How can an edge be both "a bottom front edge" or a "top front edge"? What embodiment of the many is he attempting to define? Is this confusion a result of the poor illustration and lack of the

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"leaf-hinge" and "two leaves" not being shown in the drawings or fully described in the specification?

The aforementioned problems render the claim vague and indefinite.

Clarification and/or correction is required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-29 and 32, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Shults (U.S Patent No. 349,907).

Shults teaches a reclining chair, comprising: a seating base supported by a plurality of legs, a backrest having an upper backrest portion *D* and a lower backrest portion, said backrest positioned above a rear edge of the seating base such that a bottom surface of the upper backrest portion is above a top surface of the lower backrest portion; a hinge having a pivoting rod *i* horizontally extending between the upper backrest portion with a leaf of the hinge affixed to the lower backrest portion and another leaf of said hinge affixed to the upper backrest portion; and at least one resilient means interposed between the bottom surface of the upper backrest portion

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and the top surface of the bottom backrest portion; whereby the hinge and the resilient means allow the backrest to recline according to pressure exerted by a user and to revert to its original position upon removal of said pressure, wherein the pivoting rod is positioned between the bottom surface of the upper backrest and the top surface of the lower backrest with the resilient means positioned at the front and back of the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the pivoting rod is positioned between a bottom front edge of the upper backrest and a top front edge of the lower backrest with the resilient means positioned behind the pivoting rod, wherein the axis of reclination is the pivoting rod.

Claims 26-29 and 31-32, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Staples (U.S Patent No. 44,987).

Staples teaches a reclining chair, comprising: a seating base supported by a plurality of legs, a backrest having an upper backrest portion *B* and a lower backrest portion *A*, said backrest positioned above a rear edge of the seating base such that a bottom surface of the upper backrest portion is above a top surface of the lower backrest portion; a hinge having a pivoting rod *i* horizontally extending between the upper backrest portion with a leaf of the hinge affixed to the lower backrest portion and another leaf of said hinge affixed to the upper backrest portion; and at least one resilient means interposed between the bottom surface of the upper backrest portion and the top surface of the bottom backrest portion; whereby the hinge and the resilient means allow the backrest to recline according to pressure exerted by a user and to

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revert to its original position upon removal of said pressure, wherein the pivoting rod is positioned between the bottom surface of the upper backrest and the top surface of the lower backrest with the resilient means *E* positioned at the front and back of the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the pivoting rod is positioned between a bottom front edge of the upper backrest and a top front edge of the lower backrest with the resilient means positioned behind the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the lower backrest portion forms a rear edge of the seating base (See Fig. 1).

Claims 26-30 and 32, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ambasz (U.S Patent No. 4,084,850).

Ambasz teaches a reclining chair, comprising: a seating base supported by a plurality of legs, a backrest having an upper backrest portion and a lower backrest portion said backrest positioned above a rear edge of the seating base such that a bottom surface of the upper backrest portion is above a top surface of the lower backrest portion; a hinge having a pivoting rod 80 or 104 horizontally extending between the upper backrest portion with a leaf of the hinge affixed to the lower backrest portion and another leaf of said hinge affixed to the upper backrest portion; and at least one resilient means interposed between the bottom surface of the upper backrest portion and the top surface of the bottom backrest portion; whereby the hinge and the resilient means allow the backrest to recline according to pressure exerted by a user and to

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revert to its original position upon removal of said pressure, wherein the pivoting rod is positioned between the bottom surface of the upper backrest and the top surface of the lower backrest with the resilient means positioned at the front and back of the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the pivoting rod is positioned between a bottom front edge of the upper backrest and a top front edge of the lower backrest with the resilient means positioned behind the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the bottom front edge of the upper backrest portion is chamfered to provide an inverted wedge opening at a back plate of the backrest within which wedge opening resides the resilient means (See Figures 6A-6B and 9A-9B).

Claims 26-30, 32, and 37, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ambasz (U.S Patent No. 4,157,203).

Ambasz teaches a reclining chair, comprising: a seating base supported by a plurality of legs, a backrest having an upper backrest portion and a lower backrest portion said backrest positioned above a rear edge of the seating base such that a bottom surface of the upper backrest portion is above a top surface of the lower backrest portion; a hinge having a pivoting rod 222 horizontally extending between the upper backrest portion with a leaf 230 of the hinge affixed to the lower backrest portion and another leaf 232 of said hinge affixed to the upper backrest portion; and at least one resilient means 226,228 in the form of rubber blocks interposed between the bottom surface of the upper backrest portion and the top surface of the bottom backrest portion;

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whereby the hinge and the resilient means allow the backrest to recline according to pressure exerted by a user and to revert to its original position upon removal of said pressure, wherein the pivoting rod is positioned between the bottom surface of the upper backrest and the top surface of the lower backrest with the resilient means positioned at the front and back of the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the pivoting rod is positioned between a bottom front edge of the upper backrest and a top front edge of the lower backrest with the resilient means positioned behind the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the bottom front edge of the upper backrest portion is chamfered to provide an inverted wedge opening at a back plate of the backrest within which wedge opening resides the resilient means (See Fig. 18).

Claims 26-37, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ambasz (U.S Patent No. 4,333,683).

Ambasz teaches a reclining chair, comprising: a seating base supported by a plurality of legs, a backrest having an upper backrest portion 12 and a lower backrest portion 10,14, said backrest positioned above a rear edge of the seating base such that a bottom surface of the upper backrest portion is above a top surface of the lower backrest portion; a hinge having a pivoting rod 42 or 74 or 104 horizontally extending between the upper backrest portion with a leaf 50 or 80 of the hinge affixed to the lower backrest portion and another leaf 50 or 82 of said hinge affixed to the upper backrest portion; and at least one resilient means in the form of rubber blocks interposed

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between the bottom surface of the upper backrest portion and the top surface of the bottom backrest portion; whereby the hinge and the resilient means allow the backrest to recline according to pressure exerted by a user and to revert to its original position upon removal of said pressure, wherein the pivoting rod is positioned between the bottom surface of the upper backrest and the top surface of the lower backrest with the resilient means positioned at the front and back of the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the pivoting rod is positioned between a bottom front edge of the upper backrest and a top front edge of the lower backrest with the resilient means positioned behind the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the bottom front edge of the upper backrest portion is chamfered to provide an inverted wedge opening at a back plate of the backrest within which wedge opening resides the resilient means (See Figures 5-6 and 13-14), wherein the lower backrest portion forms a rear edge of the seating base (See Figures 1-2 and specification).

Claims 26-29 and 32, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ambasz (U.S Patent No. 5,108,149).

Ambasz teaches a reclining chair, comprising: a seating base supported by a plurality of legs a backrest having an upper backrest portion 18 and a lower backrest portion, said backrest positioned above a rear edge of the seating base such that a bottom surface of the upper backrest portion is above a top surface of the lower backrest portion; a hinge having a pivoting rod 60, 60' horizontally extending between

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the upper backrest portion with a leaf of the hinge affixed to the lower backrest portion and another leaf of said hinge affixed to the upper backrest portion; and at least one resilient means 63,66 interposed between the bottom surface of the upper backrest portion and the top surface of the bottom backrest portion; whereby the hinge and the resilient means allow the backrest to recline according to pressure exerted by a user and to revert to its original position upon removal of said pressure, wherein the pivoting rod is positioned between the bottom surface of the upper backrest and the top surface of the lower backrest with the resilient means positioned at the front and back of the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the pivoting rod is positioned between a bottom front edge of the upper backrest and a top front edge of the lower backrest with the resilient means positioned behind the pivoting rod, wherein the axis of reclination is the pivoting rod.

Claims 26-34 and 36, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Zapf (U.S. Patent No. 5,649,739).

Zapf teaches a reclining chair, comprising: a seating base supported by a plurality of legs (In the first two line of the "DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS", it is stated "FIG. 1..... shows a backrest for a seat or chair"), a backrest having an upper backrest portion 2 and a lower backrest portion 1, said backrest positioned above a rear edge of the seating base such that a bottom surface of the upper backrest portion is above a top surface of the lower backrest portion; a hinge 8 having a pivoting rod 8e horizontally extending between the upper

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backrest portion with a leaf 8c of the hinge affixed to the lower backrest portion and another leaf 8a of said hinge affixed to the upper backrest portion; and at least one resilient means (the part encircling pivoting rod 8e) interposed between the bottom surface of the upper backrest portion and the top surface of the bottom backrest portion; whereby the hinge and the resilient means allow the backrest to recline according to pressure exerted by a user and to revert to its original position upon removal of said pressure, wherein the pivoting rod is positioned between the bottom surface of the upper backrest and the top surface of the lower backrest with the resilient means positioned at the front and back of the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the pivoting rod is positioned between a bottom front edge of the upper backrest and a top front edge of the lower backrest with the resilient means positioned behind the pivoting rod, wherein the axis of reclination is the pivoting rod, wherein the bottom front edge of the upper backrest portion is chamfered to provide an inverted wedge opening at a back plate of the backrest within which wedge opening resides the resilient means (See Fig. 5), wherein the lower backrest portion forms a rear edge of the seating base (See Fig. 1).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

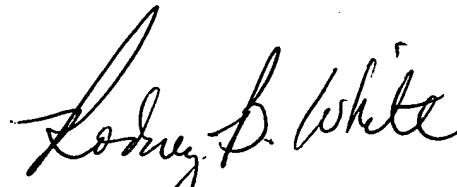
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Rodney B. White,
Patent Examiner
Art Unit 3636
August 30, 2006

A handwritten signature in black ink, reading "Rodney B. White". The signature is written in a cursive style with a large, stylized initial 'R'.

RODNEY B. WHITE
PRIMARY EXAMINER